

REMARKS/ARGUMENTS

Applicants have studied the Office Action dated February 22, 2007 and have made amendments to the claims. It is submitted that the application, as amended, is in condition for allowance. By virtue of this amendment, claims 1-4, 9-10, 16-17, 23-24, 28-33 are pending. Claims 5-7, 11-15, 18-22 and 25-27 have been cancelled, without prejudice. Reconsideration and allowance of the pending claims in view of the above amendments and the following remarks is respectfully requested.

Rejection under 35 U.S.C. §102(b) Walker et al

The Examiner rejected claims 1-27 under 35 U.S.C. § 102(b) as being unpatentable by Walker et al., U. S. Patent Number 5,862,223 (hereinafter "Walker").

As an initial matter, the Applicants have cancelled claims 5-8, 11-15, 18-22 and 25-27, without prejudice, thereby rendering their rejection moot.

The Applicants have amended claim 1 to more clearly define the presently claimed invention. Support for these amendments is found in the specification at, for example, page 19, line 2 through page 21, line 15. No new matter was added by these amendments.

The Applicants assert that cited references do not teach or suggest the combination of limitations set forth by amended independent claim 1. As such, the Applicants assert that amended independent claim 1 distinguishes over the cited references and the rejection under 35 USC § 102(b) should be withdrawn.

The Applicants have amended claims 2, 9, 16, and 24 to more clearly define the presently claimed invention. Support for these amendments is found in the specification at, for example, page 9, line 15 through page 10, line 14. No new matter was added by these amendments.

The Applicants have amended claim 4 to more clearly define the presently claimed invention. Support for these amendments is found in the specification at, for example, page 16, line 20 through page 18, line 22 and page 19, lines 6-10. No new matter was added by these amendments.

The Applicants assert that cited references do not teach or suggest the combination of limitations set forth by amended dependent claims 2 and 4. As such, the Applicants assert that amended dependent claims 2 and 4 distinguish over the cited references and their rejection under 35 USC § 102(b) should be withdrawn.

The Applicants traverse the Examiner's characterization of the Walker's reference with regards to several of the claims in the pending office action, particularly with respect to the potential application of those purported teachings to the new and amended claims.

With regards to the rejection of claim 4, the Applicants traverse the Examiner's characterization of the Walker reference as teaching "the step of transmitting the request for bid, the request for bid ... is sent to all of the sellers that subscribe to a channel relating to the goods or service." Office Action dated February 22, 2007, page 3, paragraph 6, citing Walker, column 40, line 55-column 41, line 9). The Applicants note that the Examiner is citing claim 1 of the Walker patent as a teaching of this limitation. This claim is drawn to an apparatus that accepts a user's request, finds experts to respond to the request, handles payments to the expert and allows the expert to answer the user's request. The second limitation of this claim describes searching a database for experts that have qualifications that correspond to a user's request. The cited portions of the Walker reference fail to teach or suggest any type of subscription by a seller, such as is set forth by the current, amended dependent claim 4. Further, as is described below, the Walker reference fails to teach or suggest any type of "channel" as is defined by amended claim 4.

With regards to the rejection of claim 5, the Applicants traverse the Examiner's

characterization of the Walker reference with regards to the "determining" and the "forwarding" limitations of previously pending claim 5, particularly to the extent that such an assertion may be used by similar limitations contained within the current amended independent claim 1. To begin, the cited portions of the Walker reference discuss the transmission of a bid and not a "request for bid" as is set forth by the relevant limitations of the presently claimed invention. In the Walker reference, the "bid" is submitted in response to a "request" by a user. In the context of the presently claimed invention, the "request for bid" is received "at a first node" and that node determines "whether or not to send the request for bid." In the Walker reference, a request is received (step 3010) and then the expert decides to bid (step 3020). Walker, FIG. 30. The cited portion of Walker discusses the server's deciding to put the parties in contact. Walker, column 9, lines 1-5. However, the Applicants assert that this fails to teach or suggest deciding to send a request for bid, as is set forth for the presently claimed invention. There is no teaching or suggestion of "determining ... to send the request for bid to the server" as is set forth by amended claim 1. The Walker reference only shows "transmission" of the bid as steps without decisions (steps 3040 and 3050). The Applicants assert that the teachings of Walker fall far short of the requirements for anticipation under 35 U.S.C. § 102(b).

With regards to the rejection of claim 6, the Applicants assert that the Walker reference fails to teach or suggest "publishing the request for bid ... to all of the sellers that are subscribed to one or more selected channels." Office action dated February 22, 2007, page 4, paragraph 8. The cited portions of Walker teach 1) posting user requests to bulletin boards or web pages (Walker, Column 18., lines 43-46), and 2) a server generating a list of qualified experts and allowing the user to choose one or more experts from the list (Walker, column 36, line 66 through column 37, line 4). The Applicants assert that these teachings do not teach or suggest "sellers that are subscribed to one or more selected channels" as is asserted by the Examiner and set forth by current, amended dependent claim 4.

With regards to the rejection of claim 7, the Applicants assert that the Walker reference

fails to teach "repeating the steps of determining and forwarding until... a user node that received the request for bid decides to send the request for bid to the server node."

Office Action dated February 22, 2007, page 5, paragraph 9. The cited portion of Walker is an essentially linear flow chart that never repeats anything. Walker, FIG. 30. The linear flow of this flowchart can be terminated at points through step 3030, but no looping of any kind is taught or suggested by the cited figure. The Applicants assert that no re-iteration of processing, such as is set forth by the currently new dependent claim 33, is not taught or suggested by the Walker reference.

The Applicants have further amended claims 9-10, and 16 to depend from amended independent claim 1. Dependent claim 17 depends from claim 16. Therefore, claims 2-4, 9-10, and 16-17 depend, either directly or indirectly, from amended independent claim 1. Since dependent claims contain all of the limitations of the claims from which they depend, claims 2-4, 9-10, and 16-17 also distinguish over the cited references for at least the same reasons as amended independent claim 1. Therefore, the rejection of claims 2-4, 9-10, and 16-17 should be withdrawn.

The Applicants have added new independent claim 28, which is drawn to a computer readable medium encoded with a computer program. New independent claims 28 has limitations that correspond to those of amended independent claim 1 and therefore distinguish over the cited references as well. Dependent claims 23 and 24 have been amended to depend from independent claim 28. Since dependent claims contain all of the limitations of the claims from which they depend, claims 23 and 24 also distinguish over the cited references for at least the same reasons as independent claim 28. Therefore, the rejection of claims 23 and 24 should be withdrawn.

New Claims

The Applicants have added new claims 28-33. Support for new independent claims 28 and 32 is found in the specification at, for example, page 19, line 2 through page 21, line 15. No new matter was added by these amendments. Support for new dependent

claim 29, which contains limitations corresponding to amended claim 2, is found in the specification at, for example, page 9, line 15 through page 10, line 14. Support for new dependent claim 30, which contains limitations corresponding to claim 3, is found in the specification at, for example, page 10, lines 15-19. Support for new dependent claim 31, which contains limitations corresponding to claim 4, is found in the specification at, for example, page 16, line 20 through page 18, line 22 and page 19, lines 6-10.

The Applicants assert that the cited references do not teach or suggest the combination of limitations set forth by new claims 28-33, and are therefore in condition for allowance.

CONCLUSION

In this Response, Applicants have amended certain claims. In light of the Office Action, Applicant believes these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

Applicants acknowledge the continuing duty of candor and good faith to disclosure of information known to be material to the examination of this application. In accordance with 37 CFR §1.56, all such information is dutifully made of record. The foreseeable equivalents of any territory surrendered by amendment are limited to the territory taught by the information of record. No other territory afforded by the doctrine of equivalents is knowingly surrendered and everything else is unforeseeable at the time of this amendment by the Applicants and their attorneys.

Applicants respectfully submit that all of the grounds for rejection stated in the Examiner's Office Action have been overcome, and that all claims in the application are allowable. No new matter has been added. It is believed that the application is now in condition for allowance, which allowance is respectfully requested.

PLEASE CALL the undersigned if that would expedite the prosecution of this application.

Respectfully submitted,

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